IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3083 OF 2005

Laxmi Bhosale .. Petitioner.

V/s.

1. The Authority of Police Station,
   Dharavi Police Station, Mumbai.

2. State of Maharashtra ..Respondents.

Mrs. B.P. Jakhade for the Petitioner.

Mrs. A.S. Pai, Addl.P.P. for the Respondent State.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 02nd AUGUST, 2006.

P.C.:

1. Heard. Rule. By consent, the Rule is made returnable forthwith.

2. The petitioner is the mother of deceased - Santosh Bajirao Bhosale. Her son Santosh was arrested at midnight on 11th May, 2004 by the Police from his home and produced before the learned Magistrate in the morning of 11th May, 2004. He was sent to Magistrate custody at 11.45 a.m. on the same day by the learned Magistrate and then he was found dead while in the

Magistrate custody. Therefore, this petition by the petitioner for directing an investigation in to the matter of death of her son by the competent agency including CID.

3. The learned APP submits that according to the prosecution it was natural death because the deceased was drug addicted. We asked the learned APP to produce the post-mortem report of the deceased. She has accordingly given a copy of the post mortem report dated 13.05.2004, which is styled as Provisional Post Mortem Examination Report. From this report, it is clear that at about 16 places on the body of the deceased, where there were numerous or innumerable abrasions found. This, therefore, fortifies the contention of the petitioner- mother.

4. Considering the attending circumstances in this matter and the injuries found on the person of the deceased it requires investigation in the interest of all. We, therefore, direct the State C.I.D. to investigate the cause of death of Santosh Bajirao Bhosale, aged about 30 years, who died in the Magistrate custody either on 12th May or 13th May, 2004.

5. The State C.I.D. to complete the investigation

within six months from today and submit their report to the concerned Magistrate, as provided by the Cr.P.C..

6. Rule is made absolute accordingly. The petition is disposed of.

7. Office to issue authenticated copy of this order.

(D.G.DESHPANDE,J)

(S.A. BOBDE, J)

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